

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK  
CENTRAL ISLIP DIVISION**

-----X  
**In re:**

**Case No. 8-18-72034-las  
Chapter 13**

**Robert M. George,  
Debtor.**

**HON. Louis A. Scarcella  
Hearing Date: 06/14/2018 at 9:30 AM  
Related Doc. 5**  
-----X

**OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

THE BANK OF NEW YORK MELLON, AS TRUSTEE FOR CIT MORTGAGE LOAN TRUST 2007-1 ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE #5), and states as follows:

1. Debtor, Robert M. George ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on March 27, 2018.
2. Secured Creditor holds a security interest in the Debtor's real property located at 574 SMITHTOWN AVENUE, BOHEMIA, NY 11716, by virtue of a Mortgage recorded on October 19, 2006 in Book M00021404, at Page 081 of the Public Records of Suffolk County, NY. Said Mortgage secures a Note in the amount of \$325,000.00.
3. The Debtor filed a Chapter 13 Plan on March 27, 2018.
4. Debtor's Plan evidences an intent to seek mortgage modification with Secured Creditor but fails to provide and amount for adequate protection payments. Thus far, loan modification has not been offered or approved. Secured Creditor finds that \$3,257.94 would be sufficient in order to adequately protect its property interest. Therefore, Secured Creditor objects to any adequate protection payment below \$3,257.94, during the pendency of loss mitigation.
5. In order to be confirmable under 11 USC 1325(a)(5)(B)(i) the Plan must state the total amount of the debt and that the lien on the real property of the Debtor will remain in

place until such time as the total debt is satisfied. The Plan proposes a total debt of \$480,000.00. However, according to Secured Creditor's timely-filed Proof of Claim, the correct total debt amount is \$483,058.53. Secured Creditor objects to any plan that acknowledges anything less than \$483,058.53 as the total debt of its claim.

6. Debtor is obligated to fund a Plan which is feasible to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C § 1322(b)(5). According to Secured Creditor's timely-filed Proof of Claim, the total pre-petition arrears owed is \$170,353.89. Therefore, in the event that any loss mitigation efforts are not successful, the plan fails to satisfy the confirmation requirements of 11 U.S.C § 1325(a)(1).

**WHEREFORE**, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

RAS Crane, LLC  
Attorney for Secured Creditor  
10700 Abbott's Bridge Road, Suite 170  
Duluth, GA 30097  
Telephone: 470-321-7112  
Facsimile: 404-393-1425

By: /s/Barbara Whipple  
Barbara Whipple, Esquire  
Email: bwhipple@rasflaw.com

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on June 4, 2018, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, and a true and correct copy has been served via CM/ECF or United States Mail to the following parties:

PETER COREY  
RICHARD L. STERN, PC  
2950 EXPRESS DRIVE SOUTH  
SUITE 109  
ISLANDIA, NY 11749

ROBERT M. GEORGE  
574 SMITHTOWN AVENUE  
BOHEMIA, NY 11716

MARIANNE DEROSA  
STANDING CHAPTER 13 TRUSTEE  
125 JERICHO TPKE  
SUITE 105  
JERICHO, NY 11753

UNITED STATES TRUSTEE  
LONG ISLAND FEDERAL COURTHOUSE  
560 FEDERAL PLAZA - ROOM 560  
CENTRAL ISLIP, NY 11722-4437

RAS Crane, LLC  
Attorney for Secured Creditor  
10700 Abbott's Bridge Road, Suite 170  
Duluth, GA 30097  
Telephone: 470-321-7112  
Facsimile: 404-393-1425

By: /s/Barbara Whipple  
Barbara Whipple, Esquire  
Email: bwhipple@rasflaw.com